



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



May 28, 2002

James Hartigan
Cedar Creek Condominium Association
PO Box 1313
Glen, NH 03838-1313

LETTER OF DEFICIENCY# WSEB 02-25
Certified Mail# 7099 3400 0002 9772 1725

Subject: Conway - Public Water System: Cedar Creek (EPA# 0512200)

Dear Mr. Hartigan:

The records of the Department of Environmental Services (DES) show that the Cedar Creek water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days a year. As such, the PWS owner is required to submit chemical samples according to the system's established sampling schedule to the State Laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

DES records show that the PWS has **exceeded the maximum contaminant level (MCL) for Arsenic** as defined in Env-Ws 316.01 and as a result a violation has occurred for the following compliance period:

2nd Quarter 2002

DES believes the MCL violation can be corrected and future violations prevented by taking the following actions:

- Provide appropriate alternate (*i.e.* bottled) water at areas accessible to consumers until the violation is corrected. If bottled water is used, the source must be an approved source, monitored in accordance with Env-Ws 389; and
- 2 Pursuant to NH Administrative Rule Env-Ws 351, all consumers must be notified of the exceedence following the guidelines in the enclosed public notice handout. Provide proof of public notice to this office within 10 days of issuing the public notice. Continue providing public notice for as long as the exceedence occurs; and
- 3 **By June 28, 2002**, retain the services of a qualified consultant to address the water quality violation and notify DES, in writing, of the name of the consultant hired. Please request the consultant to contact Bernard Lucey, P.E., of DES's Water Supply Engineering Bureau to discuss the arsenic issue. Mr. Lucey can be reached at (603) 271-2952; and

4. **By July 31, 2002**, submit to DES for approval the consultant's report, which shall contain the consultant's recommendations, along with an implementation schedule to correct the MCL violation. The report must also include a maintenance schedule for any proposed treatment process/equipment. DES must approve the consultant's report/recommendations, the maintenance schedule, and the proposed implementation schedule prior to any work being done on the system; and
5. By the DES-approved correction date, correct the violation or install treatment as approved by DES. Notify DES in writing of the correction(s) taken; and
6. Continue to sample in accordance with your Master Sampling Schedule.

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The written report as requested above should be addressed as follows:

Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Selina J. Makofsky by phone at (603) 271-4109 or email at smakofsky@des.state.nh.us or Alan Leach by phone at (603) 271-2854 or email at aleach@des.state.nh.us should you have any questions about the requirements listed in this letter.

Sincerely,



Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

Enc. Public Notice Template: Arsenic MCL Violation
Arsenic Fact Sheet

cc: ✓ Gretchen Rule, DES Legal Unit (w/o enc.)
Kenneth Kiesman, Town of Conway Health Officer (w/o enc.)
Dave Gordon, DHHS Health Risk Assessment Bureau (w/o enc.)
Anne Chace, Primary Contact (w/enc.)
Robert Carleton, Primary Operator (w/enc.)
US EPA Region I (w/o enc.)

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